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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/742,128	12/19/2003	Ankur P. Panchbudhe	VRT0117US	5026

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EXAMINER

DOAN, DUC T

ART UNIT PAPER NUMBER

2188

DATE MAILED: 01/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/742,128	PANCHBUDHE ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duc T. Doan	2188	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27,29-42,44-46,48-50,52-54 and 58-61 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27,29-42,44-46,48-50,52-54 and 58-61 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set for in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/27/2005 has been entered.

Claims 1-58 have been presented for examination in this application. In response to the last Office Action. Claims 27,32,36-42,44,46,48,50,52 have been amended. Claims 1-26,26,43,47,51,55-57 have been deleted, claims 58-61 have been added. As a result, claims 27,29-42,44-46,48-50,52-54,58-61 are now pending in this application.

Claims 27,29-42,44-46,48-50,52-54,58-61 are rejected.

Applicant's arguments filed 12/27/2005 have been fully considered but they are mooted in view of the in view of new ground(s) of rejection necessitated by the Applicant's amendments to the claims.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27,29-42,44-46,48-50,52-54,58-61 rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy (US 6823436) and further in view of Miyata (US Pub 2003/0225972).

As for claim 27, Krishnamurthy describes a method comprising: in response to a request to perform an operation on a first set of locations of a plurality of location in a storage area, (Krishnamurthy's Fig 3: #36, extends of data from the source drive for snapshot copy operations; column 4 lines 30-60), comparing at least one location of the first set of locations to at least one location description, wherein the at least one location description has a corresponding property describing a type of operation; and (Krishnamurthy's column 4 lines 30-60 describe extends of the data of the source drive are chosen to be copied over); and performing the operation (snapshot data) upon a given location in the first set of locations of the plurality of locations in the storage area only if the given location is described in the at least one location described upon a third set of locations in the storage area (Krishnamurthy's Fig 3: #36, snapshot data to target drive in units of segments; column 4, lines 1-13 ). Krishnamurthy does not explicitly describe the claim's detail of a description structure. However, Miyata describes a file system management comprising metadata structures for directories, data files and data blocks (Miyata's Fig 4: #402). The metadata structure has attribute fields to describes property of the corresponding data blocks. The attributes describe the type of operations for the corresponding data blocks such as duplicate operation (Miyata's Fig 2, paragraphs 50-56; Fig 11, paragraphs 87-91). It would have been obvious to one of ordinary skill in the art at the time of invention to include system management modules and metadata structures as suggested by Miyata in Krishnamurthy's system to allowing users specifying the operations for the corresponding data

duplicates the data stored in the storage unit into a separate medium in a high-speed manner (Miyata's paragraphs 6-8).

As for claim 29, Miyata describes wherein the at least one location description is specified by an application program (Miyata's paragraphs 96-99 describes API and methods for user to specifying the areas to be duplicated).

As for claim 30, Krishnamurthy describes wherein the operation is replication (Krishnamurthy's column 3, lines 18-21).

As for claim 31, Krishnamurthy describes obtaining a set of entities, wherein the first set of locations comprises a plurality of subsets of locations (data blocks in an extent), and an entity (an extent) in the set of entities has permission to perform the operation on respective data in at least one of the plurality of subsets of locations [Krishnamurthy's column 4, lines 43-49; Krishnamurthy's column 5, lines 26-33].

As for claim 32, Krishnamurthy describes wherein the at least one location description and the corresponding property describing the type of the operation are designated by a requester (Miyata's paragraphs 96-99 describes API and methods for user to specifying the areas to be duplicated).

As for claim 33, Miyata describes obtaining a designation of the operation to be performed; wherein the requester manages data in the storage area (claim 34, Miyata's paragraph 96); wherein the requester performs a management function of a set of management functions for the storage area (claim 35, Miyata's paragraph 95)

As for claims 36, Miyata describes wherein the requester identifies a respective physical location described in the at least one location description (Miyata's paragraphs 96,98)

As for claim 37, Krishnamurthy describes wherein each location in the second set of locations is specified by a beginning location and a number of contiguous locations starting at the beginning location [Krishnamurthy's column 6, lines 1-3, lines 30-39].

As for claim 38, Miayta describes wherein the at least one location description is designated by a set of indicators, wherein the set of indicators comprises an indicator for each respective location of the plurality of locations Miayta's Fig 4, Fig 2, paragraphs 50-52 describes each attribute bit associated with its corresponding storage location such as a data block), and each indicator of the set of indicators indicates whether the respective location for the indicator is described in the at least location description (Miayta's Fig 4, Fig 2, paragraphs 50-52 describes each attribute bit describing the corresponding operation such as duplication for the corresponding data block).

As for claim 39, Miayta describes obtaining a second set of locations location of a second duplicate operation (Fig 4a: offset 728, extent 472); and performing a second operation (duplicating operation) on the second set of locations after the operation (upstaging data to cache) is performed on the given location (Miayta's Fig 4, Fig 2, paragraphs 50-52 describes each attribute bit describing the corresponding operation such as duplication and cache residence for the corresponding data block);

As for claim 40, Miayta describes wherein the at least one location description and the corresponding property describing the type of the operation are designated by the requester; and the operation and the second operation are designated by the requester (Miayta's paragraphs 67,98 describes that requester provides the attribute information and the corresponding storage locations).

As for claim 41, Miayta describes wherein a sieve for the storage area comprises the at least one location description and the corresponding property describing the type of operation, and each type of operation in the sieve is performed on the given locations if the sieve is specified (Miayta describes the file system with meta data attributes in which the attributes can be turned on or off to specify an operation such as duplicate for the corresponding data block. Each attribute specifies different operations such as cache residence, duplication (Miata's Fig 2).

As for claim 42, it rejected based on the same rationale as in claim 27.

As for claims 43,51 they rejected based on the same rationale as in claim 28.

As for claims 44,48,52 they rejected based on the same rationale as in claim 40.

As for claims 45,53 they rejected based on the same rationale as in claim 33.

As for claim 46, it rejected based on the same rationale as in claim 27.

As for claim 47, it rejected based on the same rationale as in claim 28.

As for claim 49, it rejected based on the same rationale as in claim 33.

As for claim 50, it rejected based on the same rationale as in claim 27. Krishnamurthy further describe the computer readable medium in column 3, lines 30-45.

As for claim 54, it rejected based on the same rationale as in claim 50.

As for claim 58 comparing information about the operation with the corresponding property describing the type of operation (Miayta's Fig 9: # 1401, 1402 describes comparing the request with the attributes in the file).

As for claims 59-61, they are rejected based on the same rationale as in the rejection of claim 58.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


When responding to the office action, Applicant is advised to provide the examiner with the line numbers and page numbers in the application and/or references cited to assist examiner to locate the appropriate paragraphs.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Doan whose telephone number is 571-272-4171. The examiner can normally be reached on M-F 8:00 AM 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mano Padmanabhan can be reached on 571-272-4210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DD

  
Mano Padmanabhan 1/19/06  
Supervisory Patent Examiner  
TC2188



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